

Appl. No. 10/025,197
Amdt. dated October 1, 2003
Reply to Office Action of July 1, 2003

REMARKS/ARGUMENTS

In the Office Action, claims 10-13, 17 and 18 were rejected under 35 USC 102(e) as anticipated by Nakajima US Patent 6,168,216 on the grounds set forth in the Office Action.

The position of the Examiner is traversed in the matter of the mounting of the deflection roller of Nakajima rotatably on a toggle lever.

As described in Nakajima (column 8 lines 21-23) there is a "...base plate 78 with a support shaft 80". "A winch lever 84 is rotatably attached to the support shaft 80" (see lines 25-26). As shown in Figure 17, the winch lever 84 is provided with a bore (no reference number) with which it is rotatably attached to the support shaft 80. The diameter of the support shaft is the same as the diameter of the bore. So the winch lever is only able to rotate about the axis of the support shaft 80.

The support shaft 80 is fixed to the base plate 78 (see Figure 16) and the base plate 78 is fixed to the door 2 (see lines 18-19). Therefore, the position of the axis of the support shaft 80 is a fixed position about which the winch lever can rotate. However, the position of the shaft 80 cannot be moved together

with the "roller 84" (to use the language of the Examiner) from a normal position into an auxiliary opening position.

In the present invention the deflection roller is not rotatably mounted to a fixed base plate but to a toggle lever, which toggle lever is pivotably mounted via rotation axis 48 on another toggle lever 38. So the position of the rotation axis of the deflection roller is moveable together with the toggle lever 38 from a normal position into an auxiliary opening position.

In the present invention, as shown in Figs. 2-3, the roller 26, in addition to being able to rotate about its axis, is also carried about by the mechanical assembly of elements 38, 42 and 44, so as to translate from one position to another position. In contrast, in the teaching of Nakajima, the winch (or roller) 84 cannot undergo a translation from one position to another position.

To emphasize this distinction in the present claims, in the amendment of claim 10, the descriptive clause of the deflection roller appearing in the last paragraph (that the roller is rotatably mounted on a toggle lever) is moved to the first paragraph, and the claim is amended further to state that the deflection roller is moveable from its normal position by the toggle lever, as is shown in present Figs. 2 and 3. Such movement is impossible in Nakajima because, as already noted above, the rotational axis (shaft 80) of the winch/roller 84 is fixed to the base plate 78.

Accordingly, this amendment and argument are believed to overcome the rejections under 35 USC 102 so as to secure allowance of the claims.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted,
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the accompanying Amendment Upon Final is being facsimile transmitted to the Patent Office on October 1, 2003.

Signed by Martin A. Farber

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